

U.S. Pat. App. No.: 09/904,419
Atty. Docket No.: 005348.00001

REMARKS

Applicant respectfully asks for both reconsideration of this application and the Office Action dated October 4, 2005.

Claims 1-67 were pending in this application. Applicant has amended claim 1 to incorporate the subject matter of claim 3. Accordingly, claims 3 and 8 have been canceled, and claims 4 and 5 amended to update their dependencies. Similarly, Applicant has amended claim 18 to incorporate the subject matter of claim 19, canceled claims 19 and 24, and amended claims 20 and 21 to update their dependencies. Applicant also has amended claim 35 to incorporate the subject matter of claim 36, canceled claims 36 and 41 and amended claims 37 and 38 to update their dependencies. Lastly, Applicant has amended claim 52 to incorporate the subject matter of claim 53, canceled claims 53 and 58, and amended claim 54 to update its dependencies. Thus, all of the pending claims now recite the presence or use of a permanent magnet. Applicant respectfully submits that these amendments to the claims simply recite previously-claimed subject matter in independent form, and therefore do not raise new issues requiring further consideration.

In the Office Action, claims 1, 2, 8-10, 12-18, 24-26, 28-35, 41-43, 45-52, 58-60, and 62-67 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,588,806 to Wilcox. Applicant again respectfully traverses this rejection.

Each of claims 1-19, 24-26, 28-34, 36, 41-43, 45-53, 58-60, 62-67 recites the presence or use of a magnet to activate an inductance loop vehicle detector. In maintaining this rejection, the Examiner repeated the assertion that the coil 20 disclosed in the Wilcox patent teaches an

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electromagnet. Applicant again urges that this assertion is inaccurate, and asks for its reconsideration.

Applicants again point out that the Wilcox patent does not even mention the term "magnet" within the four corners of its text. Rather, the Wilcox patent teaches the use of the coil 20 as a high frequency source 2 to activate a vehicle detector.

The Merriam-Webster's Collegiate Dictionary, Tenth Edition, (Merriam-Webster, Inc. 1998) defines an electromagnet as "*a core of magnetic material* surrounded by a coil of wire through which an electric current is passed to magnetize the core." (*Emphasis added.*) Applicant points out that this structure, defining an electromagnet, is not taught or suggested by the Wilcox patent. The Wilcox patent instead expressly teaches:

Referring to FIGS. 2 and 3, the high frequency source 2 comprises an insulating inverted cuplike member 19 of *synthetic resin material*, for example, having a coil 20 formed around its lower end or rim portion 21. (See column 3, lines 34-37, *emphasis added.*)

Thus, Applicant submits that the very language of the Wilcox patent contradicts the Examiner's assertion.

Despite Applicant's traversal of this rejection, however, Applicant has amended claims 1-67 herein to specifically recite that the magnet is a permanent magnet. As discussed with the Examiner during a telephone interview on September 24, 2005 (and confirmed by the Primary Examiner in a telephone message on September 26, 2005), revising the pending claims to expressly recite the presence or use of an electromagnetic places these claims in immediate condition for allowance. Accordingly, in an effort to expedite the lengthy prosecution of this

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application, Applicant has amended the claims in the manner suggested by the Examiner and the Primary Examiner. Applicant expressly reserves the right, however, to reintroduce claims of broader scope in a continuing application.

Applicant therefore submits that, as acknowledged by the Examiner and Primary Examiner, claims 1-19, 24-26, 28-34, 36, 41-43, 45-53, 58-60, 62-67 are in immediate condition. It therefore is requested that the rejection of these claims be withdrawn.

Next, the Examiner maintained the rejection of claims 3, 4, 11, 19, 20, 27, 36, 37, 44, 53, 54, and 61 under 35 U.S.C. §103 over the Wilcox patent in view of U.S. Patent No. 4,038,633 to King. Applicant respectfully traverses this rejection as well. In the Request For Reconsideration filed on July 12, 2005, Applicant explained in detail why one of ordinary skill in the art would not have been led to combine the teachings of the Wilcox and King patents in the manner proposed by the Examiner. The Examiner did not address these arguments in the outstanding Office Action, however. Moreover, as noted above, the Wilcox patent does not teach or suggest the use or presence of a magnet on a vehicle to trigger a vehicle detector, and the King patent does not remedy this omission. Nonetheless, Applicant submits that claims 3, 4, 11, 19, 20, 27, 36, 37, 44, 53, 54, and 61, as amended, are in immediate condition for allowance as discussed above. Applicant therefore asks that the rejection of these claims be withdrawn as well.

Lastly, claims 5-7, 21-23, 38-40, and 55-57 were rejected under 35 U.S.C. §103 over the Wilcox patent. Applicant again respectfully traverses this rejection. As previously noted, the Wilcox patent does not teach or suggest the presence or use of a magnet to trigger a vehicle detector. As also noted above, however, Applicant has amended these claims herein to

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specifically recite the use or presence of a permanent magnet, thereby placing these claims in immediate condition for allowance. Applicant therefore asks that the rejection of claims 5-7, 21-23, 38-40, and 55-57, as amended, also be withdrawn.

In view of the above amendments remarks, Applicant respectfully submits that all of the claims are allowable, and that this application is therefore in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

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